

## **NOTICE OF FORTHCOMING FILING**

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The Supreme Court has indicated that the filing of a written opinion in the following case(s) is forthcoming. At the filing time designated below, the filed opinion(s) will be accessible at the judicial branch web site ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)) and copies will be made available at the Supreme Court Clerk's Office.

[Generally, the description set out with regard to each case is reproduced from the original news release issued when review in the matter was granted, and is provided for the convenience of the public and the press. The description does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

### **PEOPLE v. HERRERA (HONORIO MORENO)**

S171895 (G039028; Orange County Superior Court – CV064707)  
Argued in San Francisco 5-06-10

This case presents the following issue: Did the trial court err in determining that a prosecution witness, who had been deported and could not be extradited to the United States, was unavailable within the meaning of Evidence Code section 240, or was the prosecution required to show further due diligence to establish the unavailability of the witness before introducing the witness's prior testimony from the preliminary hearing?

### **PEOPLE v. LOMAX (DARREL LEE)**

S057321 (Los Angeles County Superior Court – NA023819)  
Argued in San Francisco 5-27-10

This matter is an automatic appeal from a judgment of death.

### **CITY OF SAN JOSE v. OPERATING ENGINEERS LOCAL UNION NO. 3 et al.**

S162647 (H030272; Santa Clara County Superior Court – CV064707)  
Argued in San Francisco 5-05-10

This case presents the following issue: Does the Public Employment Relations Board have the exclusive initial jurisdiction to determine whether certain "essential" public employees covered by the Meyers-Milias-Brown Act (Gov. Code, §§ 3500–3511) have the right to strike, or does that jurisdiction rest with the superior court?

**Opinion(s) in the above case(s) will be filed on:**

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Thursday, July 1, 2010 at 10:00 a.m.